

**REMARKS**

Applicant cancels non-elected claims 7-42 without prejudice or disclaimer. Therefore, claims 1-6 and 43-52 are all the claims pending in the application.

Claims 1, 3, 43-46, 48-50 and 52 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Funada or Applicant's admitted prior art (AAPA), and claims 2, 4-6, 47 and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Funada or AAPA.

Applicant thanks the Examiner for conducting a very productive telephonic interview with Applicant's representative on July 28, 2003. The following comments address the Examiner's prior art rejections, and also serve as a substantive summary of the interview.

During the interview, independent claims 1, 43 and 52 were discussed, and the recitation thereof compared to the disclosures of Funada and AAPA.

In particular, it was noted that in AAPA (as illustrated in Applicant's Figs 5 -6B), layer 1623 where the light originates is not aligned with the light receiving elements 1612. Likewise, Funada does not disclose or suggest that the area, where all of its layers 241, 242, 243 and 244 overlap (i.e., the entire area where the light originates), is substantially aligned with light receiving element 121 (see Funada, Fig. 9).

In order to even more clearly distinguish the invention as claimed from Funada and AAPA independent claims 1, 43 and 52 were amended to recite that "at least one of said light emission portions where said light originates being substantially aligned with a corresponding light receiving element", rather than "a part of at least one of said light emission portions where

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said light originates being substantially aligned with a corresponding light receiving element".

The Examiner agreed that this clarifying amendment distinguishes the claimed invention from Funada and AAPA.

It is noted that these amendments to claims 1, 43 and 52 are merely clarifying amendments and do preclude coverage of the equivalent structures which meet the requirements of these claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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